

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JENNIFER P. SCHWEICKERT,

Plaintiff,

vs.

HUNT'S POINT VENTURES, INC.; HUNT'S
POINT VENTURE GROUP, LLC; CHAD
and ELIZABETH RUDKIN, and their marital
community comprised thereof; JOHN DU
WORS and AMBER DU WORS, and their
marital community comprised thereof; and
DOES 1-4,

Defendants.

No. 13-CV-675RSM

NOTICE OF ERRATA REGARDING
DEFENDANT JOHN DU WORS'
MOTION FOR SUMMARY JUDGMENT

**NOTED FOR HEARING:
NOVEMBER 7, 2014**

Defendant John Du Wors' Motion for Summary Judgment contained a typographical error on page 23, line 4-7 of his brief. The first sentence in the third to last paragraph on this page should read:

Even if Schweickert had provided sufficient evidence to support the unlawful purpose element (which she has not), she has **not** provided sufficient evidence to support an agreement between Rudkin and Du Wors, and Du Wors and Steve Schweickert.

See Dkt. No. 80, pg. 23, Lines 4-7.

Defendant Du Wors substitutes the attached page 23 for Defendant John Du Wors' Motion for Summary Judgment.

NOTICE OF ERRATA REGARDING DEFENDANT
JOHN DU WORS' MOTION FOR SUMMARY
JUDGMENT - 1
13-CV-675RSM
5708418.doc

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1 Respectfully submitted this 15th day of October, 2014.

2 LEE SMART, P.S., INC.

3
4 By: /s/ Sam B. Franklin
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CERTIFICATE OF SERVICE

I hereby certify that on the date provided at the signature below, I electronically filed the preceding document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 15th day of October, 2014, at Seattle, Washington.



Kimberly J. Paul, Legal Assistant

1 mistaken. Notably, Schweickert has not even brought a claim of action against Steve
 2 Schweickert, due to the fact that her mother would have to indemnify him. *Franklin Dec.* Ex. 2
 3 at 88:23-89:17.

4 Even if Schweickert had provided sufficient evidence to support the unlawful purpose
 5 element (which she has not), she has **not** provided sufficient evidence to support an agreement
 6 between Rudkin and Du Wors, and Du Wors and Steve Schweickert. Mere suspicion or
 7 commonality of interests provides no more support for the agreement element as they do for
 8 unlawful purpose. *All Star Gas*, 100 Wn. App. at 740.

9 Here, Schweickert provides only speculation as to agreements between Du Wors and
 10 Rudkins, and Du Wors and Steve Schweickert. Even when viewed the light most favorable to
 11 Schweickert, this allegation remains rank speculation.

12 IV. CONCLUSION

13 For all the foregoing reasons, Du Wors respectfully request this Court to dismiss
 14 Jennifer Schweickert's claims against him with prejudice.

15 Respectfully submitted this 14th day of October, 2014.

16 LEE SMART, P.S., INC.

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